

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

CAUSE NO. 3:16-CR-18-CWR-LGI-2

DEMARIO C. WEBSTER

DEFENDANT

ORDER

Before the Court is Defendant Demario C. Webster's motion requesting a copy of his sentencing hearing transcript held on December 20, 2016. Docket No. 63. For the reasons stated below, the motion is denied.

Generally, "[a] federal prisoner is not entitled to obtain copies of court records at Government expense for the purpose of searching the record for possible error." *Walker v. United States*, 424 F.2d 278, 279 (5th Cir. 1970). Instead, the production of transcripts at the government's expense to indigent petitioners seeking post-conviction relief is governed by federal statute. *See* 28 U.S.C. § 753(f). Under § 753(f), free transcripts are available only if the judge "certifies that the asserted claim is not frivolous and that the transcript is needed to decide the issue." *Id.* This requires the movant to make the court aware of "any facts that might require a close examination of the trial transcript." *United States v. Davis*, 369 F. App'x 546, 546-47 (5th Cir. 2010) (quoting *Harvey v. Andrist*, 754 F.2d 569, 571 (5th Cir. 1985)). In addition, the movant must also show why the transcripts are necessary for the proper disposition of his appeal. *Norton v. Dimazana*, 122 F.3d 286, 293 (5th Cir. 1997) (citing *Harvey*, 754 F.2d at 571).

Here, Webster seeks a copy of his sentencing hearing transcript at the government's expense. Thus, Webster must satisfy the requirements of § 753(f); however, in his present letter,

he identifies no particular need for his transcript, nor does he identify a substantial question relevant to appeal.

Because Webster has not satisfied his burden for obtaining a transcript at government expense, the motion is denied.

SO ORDERED, this the 25th day of March, 2021.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE